

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Angela P.,

Plaintiff,

v.

Andrew M. Saul, Commissioner of Social Security,

Defendant.

Case No.: 1:20-cv-02414-SAL

OPINION AND ORDER

Plaintiff Angela P.¹ (“Plaintiff”) brought this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of an adverse and final decision of the Commissioner of Social Security (“Commissioner”). [ECF No. 1]. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(a), this matter was referred to United States Magistrate Judge Shiva V. Hodges for pre-trial handling. The Magistrate Judge issued a Report and Recommendation (“Report”) on April 7, 2021, recommending the Court reverse the decision of the Commissioner under sentence four of 42 U.S.C. § 405(g) and remand for further proceedings. [ECF No. 19]. Attached to the Report is a Notice of Right to File Objections. *Id.* at p.49. Neither party filed objections to the Report,² and the time for filing objections has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this

¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

² On April 22, 2021, Commissioner filed a notice, notifying the court that he does not intend to file objections to the Report. [ECF No. 20].

court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the Court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the Court finds no clear error, adopts the Report, and incorporates the Report by reference herein. Accordingly, the Commissioner’s decision is REVERSED, and the court REMANDS this matter to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

July 19, 2021
Florence, South Carolina

/s/Sherri A. Lydon
Sherri A. Lydon
United States District Judge